FIQH of LOVE

MARRIAGE IN ISLAM

Shaikh Yaser Birjas

"Of Love--may God exalt you! -the first part is jesting, and the last part is right earnestness. So majestic are its diverse aspects, they are too subtle to be described; their reality can only be apprehended by personal experience. Love is neither disapproved by Religion, nor prohibited by the Law; for every heart is in God's hands."

Ibn Hazm

Preface

The Faqeeh of Love

Imam Ibn Hazm Al-Andalusee
(384 H. – 456 H.) 994 – 1064 CE.
A Dove from Andalusia

4 books that the scholars say if you read them, you will be the perfect Aalim

Al mughni
Al muhalaem or muhalim
Al talheem
Subr wal kuburah

The other face of the Imam

1. **The life of the Imam**
2. **The many different characters of Ibn Hazm:**
   The minister.
      2 times confirmed, 1 time disputable
   The scholar.
   The Faqeeh.
   The human being.
3. **'The Passions' of the Imam.**
4. **Women in the life of Ibn Hazm.**
5. **The incomplete love story in the life of Ibn Hazm**
6. **A critique of Ibn Hazm's: "The Ring of the Dove" or i طوق الحمامة**
   What was the name of the rival family of Ummayid - Banu Hamood
   It was a personal letter response to a friend
   Written in 417 Hijri/1027 A.D.
   Only 2/3rds of book present – because the scribe summarized it
   Fragrance of perfume (Nafathi) – by Imam Al-Makhari mentioned ring of dove in this book
   Ring of Dove – A treatise on the art and practice of Arab love
      Collar around neck
      Carries the meaning of love and passion
      Ring – symbol of obedience; naturally causes people to submit
   The book for the lovers would be like rain.
   Some say that the book is for obedience
   When Arabs talk about love, they talk about pigeons/doves
   Ibn Hazm – 34 years old when he written; about the incidents and events of his lifetime

Book of history – story of Spain

Invastion of Cordoba by Barbers

Book of psychology

Demonstration of his life and love

Collection of poetry - Some people says that he was not a good poet and the language (strong) he uses was more like puzzles and not poetry

Promotion of chastity and piety

30 chapters and 4 sections

7. The views of Ibn Hazm on Love.

He has a philosophy about love, he believes that souls are scattered in the air and when they meet, they feel love.

The theory of love is based on similar characteristics. Al hubbil hudri (the love that is humble and not lustful).

The first part is jesting and the last part is right earnestness.

Love is neither disapproved by Religion nor prohibited by law for every heart is in God's hands

Love is not about physical attraction but it starts with it. Love just happens; it is natural.

The noble love – passions of heart with righteousness and piety

Nature of love – conjunction between scattered parts of souls that have met in universe

Loves is based on assimilations and similarity in characteristics

Physical attraction not very important, but it is what leads love

Try to find natural attributes that you both share

He takes the literal meaning of things…..In this book he was looking for noble love not lustful love

Love is halal, for every heart is in Allah's hands

Love is a sickness, ailment; its remedy depends on the degree of their love

Ibn Hazm says that love is natural, but can Allah test us with this?

Yes, Allah always tests us to see our obedience in him

Does Ibn Hazm agree with "opposites attract"?

Yes, these characteristics are like having similarities in love.

Ex. Hold a snowball in your hand and it will still have the same effect as holding a burning coal.

In conclusion, you will not find two people in love unless there are some similarities. Humans are born perfect and you are attracted to the perfection of the person

Questions

In which Hijree year did Ibn Hazm rahimahullah die?

456 H

What is the Arabic title of Ibn Hazm's famous treaties?
Tawkhal Hamama

"Of Love-may God exalt you! -is in truth a baffling ailment, and its remedy is in strict accord with the degree to which it is treated; it is a delightful malady, a most desirable sickness. Whoever is free of it likes not to be immune, and whoever is struck down by it yearns not to recover. Love represents as glamorous that which a man formerly disdained, and renders easy for him that which he hitherto found hard; so that it even transforms established temperaments and inborn dispositions."
- Ibn Hazm

Chapter One

‘Jesting about Love’ Introductions

"ومن آياته أن خلق لكم من أنفسكم أزواجا لتسكنوا إليها وجعل بينكم مودة ورحمة إن في ذلك لآيات لقوم يتفكرون"

“And among His signs is this that He created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts). Verily in that are signs for those who reflect.”
Ar-room 30:21.[2]

Intro I:

Islam and Love

قال رسول الله صلى الله عليه وسلم في خديجة – رضي الله عنها– : "إني رزقت حبها."

The Messenger of Allah *salla Allahu alayhi wa sallm* speaking about his wife Khadija said: **“Verily, I was filled with love for her.”**

Mawahdah – love/intimacy
Wa rahma - mercy

1. **Love: The definition**

As a noun

Strong and positive emotion of regard and affection
Passion
Any object of form or affection
Beloved
Dearest
Sexual love (lust and desire)
Love making

As a verb – Liking for someone; having great affection
A feeling of intense affection given freely without any restriction
Love exists in all persons either with sensibility (for all people) or passion (strongly excited or a particular person)

2. **The Nature of Love**

Hub - Love

Ishq – deeper love and becomes obsessive and commit haraam deeds.
Love is a human sickness (Psychological)
Spiritually: natural instinct
Sacrificial love – religious love (ex. Allah)
Muslim Scholars – Al Jaahab/ Ibn Qiyah in the book of Al Nisa (book of women) say the difference between Hub – which they think is natural and Ishq is something intellectual, going beyond for what they desire.
Muhammad Ibn Dawood – Al Zooah
    Speak about the 100 qualities of Bin Udrah on how they exercised love in their life
All scholars share the same theory – about similarities of two people
Datul hadif – long conversations; hugging; kissing
Arabs say – the eye is the white gate into the heart
The three pillars
    Attributes of the beloved one
    Feelings of love - intention (you have choice) and inclination
    Relationship similarities between two people
4 steps to develop love
    Using your eye (sight of heart). You should not describe another woman to a married man
    Admiration – to various characteristics
    Obsession – thoughts of future, logistics
    Building hope and establishing commitment – if you don't then you are looking for haraam things

3. The categories of love

Natural love/passion
Rational/religious love
All forms of love are parallel unless one does not surpass the other (this become shirk)

4. The signs of love

The broadening gaze
Directing the conversations to a beloved one
Resemblance
Engage in a playful tug of war – breaking plates
Opposite do attract
Sometimes they fight – it is a sign of love
Hurrying to their locations
Happy/cheerful when close
Weeping
Dec. sleep and appetite

5. The ruling of love in Islam

Love is not in your hand, it is in Allah's hand

Surah Al-Imran (A 14) – desire to love from women. Men to women and vice versa

Those who don't love are the people who are hard as rocks.

They are two types

Optional – leads to love; sudden look

Natural - how you are going to react to this will be asked by Allah

From the Sunnah of Prophet (s)...

Ibn Majjah: A man came to Rasullah and said that "Yah Rasullah, we are taking care of an orphan girl. A man came and said that two men came and asked for the hand in marriage for the orphan girl, one rich one poor, but she loves the poor man. He said that "we liked the rich man". The man said "who should I choose?" Rasullah told him to allow the girl to marry the poor one. The mate should not be judged on their status, or wealth

Amr bin Aas came to the Prophet (s) after he gave Amr the commander of an expedition, and asked, "O Rasulllah, who is the most beloved to you amongst all mankind?" Rasullah said, "Aisha". Amr said, "Then?" Rasullah said, "Her father" (Sahih Bukhari)

Fatimah, daughter of Prophet (s), came to the Prophet (s) and said for him to be just with the other wives. The Prophet (s) said that, "I love her (Aisha), so love her too". Fatimah said, "I love her".

Az-Zuhri said: "the first love recognized in Islam was the love of the Prophet (s) for Aisha"

6. Stories of love

Love – do not have control over it; you will not be accounted unless you pursue in unlawful way.

- Predating Islamic era

Arabs are considered to be lustful people

Antara – He was born from a female slave.

Al Abdah - was his cousin from a free women

He was inferior because of the way he was born. He became the strongest warrior of his tribe. He even asked for his cousin's hand in marriage but her father refused her hand. Started to write Arab poetry.

- Islamic era

The first love in Islam was recognized by Prophet SWS for Ayesha RTA. He loved Ayesha RTA more than his other wives.

Last thing Prophet had in his mouth was Ayesha RTA saliva – because she just fixed his miswak for him

If love happens naturally then you are not answerable to Allah.

Hub – came from many narrations

7. Scholarly works on love

Kitalb us-Zohra – by Mohammed Ibn Dawood

Zammul Hawaah – by Ibn Jowsi (condemning desire & lust)

Raudatul Muhibbin – by Ibn Al Qairi

Al Masoon – Ibrahim Al Husari (preserved, protected)

1. Al Bousseeri said in his poetry:

"Does the lover think that his love can be concealed?
While his eyes are shedding tears and his heart is glowing,
Had it not been for love, you would not have shed tears at the ruins (of your beloved), nor would you become restless at the remembrance of the cypress (tree) at the high mountain, How do you deny love after the testimony, Borne against you by (such) reliable witnesses as your tears and your illness."[3]

Intro II:

Falling in love

قال رسول الله صلى الله عليه وسلم للعباس عمه في قصة مغيث وبريرة: "يا عباس ألا تعجب من حب مغيث بريرة , وبغض بريرة مغيثا؟"

The Messenger of Allah *salla Allahu alayhi wa sallam* was telling his uncle Al Abbas the story of Mugheeth and Bareerah, he said: **"O Abbas! Isn't it amazing how much Mugheeth loves Bareerah and how much Bareerah hates Mugheeth?"**

Excess of love cause loss of shyness

Prophet (s) and telling the story of Bareerah (slave girl) and Mugheeth (owner) to his uncle Al-Abbas. Aisha bought the slave girl and freed her. Mugheeth married Bareerah, but she left him. Mugheeth loved her so much and was crying in public for her. Prophet (s) was asked to intercede and he asked Bareerah if she wanted to take him back. She didn't want to take him back and Prophet (s) was fine with this, so Mugheeth spent the rest of his life crying for her. Mugheeth was acting on his own human nature - Prophet (s) did not prohibit his actions because he saw it was out of Mugheeth's hands. Prophet (s) felt mercy for Mugheeth because of his love for Bareerah.

Ibn Hajjar said it is permissible for this feeling of human nature.

1. **The mystery of the 'in-love' case**
    - Love is the nutrition for the soul
    - Love is illusive - because it does not last forever and attachment to physical characters
        - The average romantic life is 2 yrs
        - "In Love" is a temporary emotion

2. **The gradual levels of love**
    - Al Mayaa – inclination of heart
    - Al Hawwa – desire
    - Al Mawaddah - love
    - As Sabawa - obsession
    - Al Walaa - madness
    - Al Guyam – craziness

Antatayyum – the highest level of admiration/love

3. **The means of nurturing love. How to keep love alive**

Think love is action, practice it on a daily basis

Love is like a tank, and you need to fill it periodically

Love is also like a bank account, you need to deposit in early days of marriage, that way you can withdraw it in your middle age crises.

Confession – Say "Honey I love you", say it sincerely and don't lie.

Correspondence is good – try doing it. Sahaba's used to do it often. Ex. Gifts, flowers, post cards

Mutual obedience and respect from your spouse

Acts of amusements

4. **What harms love?**

Exploitation of affection

Acts of disrespect

Slanderer – creating Fitnah out of jealousy and ignorance

Long and unnecessary distance

Infidelity and betrayal

Television/computer

5. **Sex, passions and love: are they synonymous?**

No

Women think of love as empathy and sympathy from their husband, while men think of sex

Sexual intercourse can harm love? A sinful relationship will cause animosity and hatred, but this relationship (sex) that is halal will increase love between husband and wife

6. **Decency or indecency?**

The inclination to the desire is equal for the men and the women.

Both have the choice to guard their chastity.

If you expose yourself to the sinful path, you will be punished especially if you are in an area of righteousness

7. **What then is: Real Love?**

Intro III:

A Story of Real 'Love'

لما سأل عمرو بن العاص رضي الله عنه رسول الله صلى الله عليه وسلم عن أحب الناس إليه قال: "عائشة."
قال: من الرجال؟ قال: "أبوها."

When Amr ibn-ul Aas radi allahu anhu asked the Messenger of Allah salla Allahu alayhi wa sallam who the most beloved person was for him, He answered: "Aisha." He then said: "From men?" He replied: "Her father."

قال الزهري: "أول حب كان في الإسلام حب النبي صلى الله عليه وسلم عائشة رضي الله عنها، وكان مسروق يسميها حبيبة رسول الله صلى الله عليه وسلم"
روى ذلك الإمام ابن القيم

Imam Az-zuhri said:
"The first love story ever known in the history of Islam was the love of Rasulullah *salla Allahu alayhi wa sallam* for Aisha, and Masrouq used to call her The love of Rasulullah *salla Allahu alayhi wa sallam*."

Ibnul Qayyim in Raoudatul Muhibbeen.

1. **The most rehearsed love story in history**
   The first love story ever know in the history of Islam was the love of Prophet SAS for Ayesha and Masrooq used to call her The Love of Prophet
   The love was not practiced
2. **From the story of Romeo and Juliet**
   They never got married and they were not put the test of life – marriage.
3. **Infidelity in the western family life**
4. **Muslims at the door step of the western version of Marriage, why?**
   Why love stories don't last forever? People take wrong examples for marriage like celebrities, where marriages don't last long
   The pre-marriage relationship – they consume their emotions, passions, love and when they start plan to marry they break and marry some place else
   Friend marriage – usually happens on the campuses – (zina)
   Divorce rates are getting high - either Denmark or Sweden, US, and Turkey
   Lack of knowledge – we just get married by the tradition, obligation, rights of marriages etc
   Feminist and independence – women are getting more independent and responsible. This would mean that men will loose the authority of the home
5. **The real love story**

Rasulallah – Khadeejah - Rasulallah giving meat to friends of Khadijah, and Aisha got mad and made a bad comment about her. He got mad and told her to not say anything bad about Khadijah because she was there for him in his time of need the most

Rasulallah – Ayesha

Rauslallah – The wives

Who was the most beloved wife?

Invalid question because they lived in different times so can't compare.

Khadijah was the best for her time…

Aisha was the best for her time…

"The main concept of the Fiqh of Love is to learn, appreciate and respect as a spouse; what is your right and what is your obligation"[4]

Chapter Two

'The earnestness of Love' Marriage and Family life

"يا أيها الناس اتقوا ربكم الذي خلقكم من نفس واحدة وخلق منها زوجها وبث منهما رجالا كثيرا ونساءا واتقوا الله الذي تساءلون به والأرحام إن الله كان عليكم رقيبا."

"O Mankind, be conscious of your duty to your Lord, who created you from a single soul, created of like nature his mate and from the two created and spread many men and women, and be mindful of your duty to Allah whose name you appeal to one another and to (the ties of) the womb. Verily, Allah watches over you."

An-nisaa' 4:1

The Status of Family in Islam

1. **Family life: basic principles**
   - ✓ The family system is divinely inspired institution. Allah SWT called Marriage a (Methaakan Galidah) "strong and dangerous covenant" – serious (not easy contract) regulation of divorce, child custody
   - ✓ Social contract: lends to relationship beyond contracting parties. Children with marriage – no legal relations (no right of inheritance)
   - ✓ Faith and family

     Men are also respectable for children

     Marrying non-muslims is forbidden for Muslim women, but for man its ok

     Faithful people should marry each other.

     Faith matters when it come to inheritance

     Forbidden outside marriage relationships

     Free mixing is not allowed as it leads to haraam things and you might get married with out the extended family

2. **Structures and rules**

   Even if you are divorced the family remains intact

   Closest fold - Husband and wife, their children's, their parents, and slaves

   Central fold – close relative who have special roles and who move freely inside the house and marriage is forbidden. Hijab is not required

Other fold – really extended family, maternal uncle and aunt, nieces and nephews, step kids

Distance fold - Collateral relatives like cousins

Men

The oldest member of the family is considered the head of the family – they are considered more wiser, more respected etc

The man's major responsibility lies outside the family

Women

The major responsibility is at the house

The eldest female is the head of the social life

Equal right and responsibility or even rights or responsibility – it is more inclined towards even rights

3. Love, Marriage and Family life

Family life has to be established by marriage

Marriage in Islam is the only legal way to express love to your spouse. So if you have an illegitimate affairs it has to go through with marriage to be legal

4. The Family and society

Islamic law came to protect the structure to protect sex out of marriage to protect the family

It is important for the Ummah and the community.

It is based on Deen and faith and should be looked at as an ideological society

The structure of Family law

1. Family law: The definition

The ruling (Ihkam) of fiqh the regulates the relationship of a man and women starts with marriage and ends with the distribution of estates and inheritance

2. The characteristics of Islamic law

Nobility of the goal and the end; can never change the law because it is from Allah

- ✓ Human being should recreate themselves by the rule of Islam
- ✓ The divine inspiration for family law (not made by humans)
- ✓ The application is the act of worship

The generalization and comprehensive are regulated by relationship of Allah and everyone in the family system

3. The areas covered by Islamic family law

Marriage and its rulings

Contract, dowry, match, etc

Separation forms and its rulings

Death, divorce, ghulm (divorce by women), Al lian (spouse accuses of adultery and they only know themselves)

Child rights and its rulings

Inheritance Law and its rulings

History of Marriage

1. Marriage: The definition

It was redefined from all mankind.

It is a legal union between one man and one women

As set of cultural rules for bringing men and women together to bring the family together

An ancient practice as taken a life's term companion for sexual partner

A civil contract between a man and a women

A man and women living as husband and wife together

A legally recognized and or socially approved arranged between two individuals that carries certain rights and responsibilities that involves sexual activities

2. The first marriage 'Adam and Eve'

Zoug – spouse

Scholars say they did not have intercourse in Jannah, because they did not know about their private parts

Marriage was first established when he created Adam and Hawwa. The details of this marriage only Allah knows best.

The oldest family known to mankind is the marriage of Adam and Hawwa

3. Marriage before Islam

- ✓ Marriage in ancient history
- ✓ Marriage in other religions

Jews - contract of marriage is almost similar to the Islamic contract. They should be relatives, legal obligations etc. Also similar because of Musa (AS) who brought the shariah.

Christian – when Isa (AS) did not bring any ruling when he came. The perfect way was to get married is to have a church wedding. They did not have a concept of family.

- Marriage was not clear cut and the Christians were following Jews – after separted from Jews, didn't' have anything, except getting married in a church – have no mahr, no concept of family; not a religious marriage

✓ Marriage in the Arab culture

Ayesha RTA said that the way to get married is as similar currently like asking for hand in marriage from the family

Shigar – I get married to your sister and your sister gets married to my brother. This is haraam in Islam

Zina in group – with the women's approval and after she is pregnant she gets married to the person who she had sex with. Another concept is the after having intercourse she would get pregnant, deliver the baby the would go to the persons with genealogy experience and she would call all the guys who she had sex with and say that the child would belong to person and then get married. This practice is haraam in Islam now.

Group intercourse – after baby is born; geneology picks father

4. Polygamy or Monogamy?

Monogamy – marrying only one wife

Polygamy – the practice of having more than one spouse at one time.

Polygyny – more than one wife at one time

Polyandry – more than one husband at one time

The Christians don't have the concept of Polygany, or polygamy, however, some say that they have this concept.

5. Heterosexuality or Homosexuality?

Homosexuality - The attraction to the same sex.

It was first known in the times of Luth Alaihisalam about 5000 to 6000 yrs ago.

It was practice in ancient China, native Americans, ancient European times, Africa etc

This is accepted in Holland, Netherlands, and Canada.

Heterosexuality – attraction to the opposite sex.

Islam and Marriage

قال صلى الله عليه وسلم : "...وأتزوج النساء , فمن رغب عن سنتي فليس مني"

The Messenger of Allah *salla Allahu alayhi wa sallam* said: **"…and I marry women. Therefore, one who shows disinterest in my Sunnah is not from (my true followers)."**

1. The legal definition of Marriage

Marriage is a contract between a man and a women, which allows both to enjoy the person of one another, their cooperation and decides the rights of each and their obligations

Arabic word for marriage is - Zawaj

In Quran – Nikkah – meaning physical relationship between man and women (intercourse). Also, it means a contract of marriage which makes the relationship lawful.

2. Preserving the 'Five Necessitates' (Ad Daurat Al Khams)

Faith

- Shadah (have own identity)

Life/Blood (Arridah) – prohibited killing, physical abuse

Intellect (Al Atal) – prohibited intoxications

Progeny (An Nasial Duriah) – prescribed marriage, prohibited Zina

Wealth - prohibited the waste of money, haraam resources, like Ribah, Give charity, Zakath etc

3. The purpose of marriage

Advantages:

- Seek in the pleasure of SAS
- Pleasure – the natural inning, the inclination of the opposite sex
- Procreation - Children – people like to be fathers and mothers. The kids are the dormant of this life
- Seeking intercession of the righteous child – when you leave this world to leave a righteous child
- Protection from evil – it helps you protect from gaze and zina
- To free sometime from the responsibility of this life
- Mujahadatun Nafs – Hardship of bringing up a righteous family.

Disadvantages:

- Inability to maintain the rights and responsibility of their spouses
- Distraction from worship ex. Going to tarawih/Juma prayers in Ramadan because of children, unable to go
- Being unable to support family financially – doing haraam things like taking loans etc

4. The ruling of marriage

Fard (obligatory) – financially capable and can treat wife properly

Waajib

If a man is financially stable and can treat wife properly
But, will commit Zinna if he doesn't marry

Mustahab (recommended)

Similar to waajib
If he has the means and can treat wife properly
But no fear of committing Zinna

Makrooh

A person has the financial capability
But knows they will not be good as father/husband
→ Ex. will be away from home for long periods of time

Haraam

A person does not have financial capability
Knows that they cannot treat wife properly and will commit Zinna

5. **Marriage as an act of worship**

It is an act of worship
Iman-e-shaafi - say that it is not an act of worship as it is a worldly thing

6. **The different categories of marriage**

Questions

What does the first Aayah of Soorah An-Nisaa' talk about?
Marriage of Adam and Eve

What are the five necessities?
Faith
Life
Intellect
Progeny
Wealth

The definition of legal marriage:
"Marriage is a contract between a man and a woman, which allows both to enjoy the person of one another. It is their cooperation and understanding of the rights of each and their obligations."[5]

Chapter Three

'In the pursuit of virtue' The Rules of Betrothal

"ولا جناح عليكم فيما عرضتم به من خطبة النساء أو أكننتم في أنفسكم..."

"There is no blame on you if ye make an offer of betrothal or hold it in your hearts." Al Baqarah 2:235.

Engagement (Qhutbah) & Proposal

1. **Definition of the legal engagement**

   Khutbah – engagement/betrothal

   Expressing ones desire to marry a specific women by informing her waali (guardian), whether expressed directly from suitor or representative

   The engagement comes from a man always and a proposal can come from a man or woman

2. **Legal status of the engagement**

   This has been approved by SAS and Quran

3. **The wisdom behind the engagement**

   To get acquainted with the person you will be engaged

   Give a clear cut judgment on the status of both parties

   Getting idea of physical appearance and attraction

4. **The categories of the engagement**

   Explicit one – by using the word khutbah – you should mention the name of the person who you want to get engaged to

   Indirect proposal – it's the indirect way of proposing like sending chocolates etc. Used for Widows/ divorces

5. **The effect of the engagement**

   Is it considered a marriage contract?

   - It is not a marriage contact, but it is a promise of marriage
   - Both parties are still considered non-mahram

Women should still wear hijab
Can accept rewards
He/she can disapprove of the proposal at any time
If a proposal is already accepted you cannot go and propose again

6. **Unlawful engagement proposals**
   Proposing to a married woman
      It is strictly haraam
      Since they under the contract of marriage this is not permissible
   Proposing to a woman in her waiting period (Divorce/Widow)
      This is also strictly prohibited
      She is still considered as a married women
   Proposing to a woman over another proposal
      If you get a proposal and you say that you will think about it, you (second person) can still propose. However, if your proposal is already accepted then you cannot do it
      If you accept the second proposal and then you get married, then it is halal

Conditions of a Prospective Bride

1. **To be free from any legal prohibitive**
   You cannot marry a mahram

2. **To be free from any other engagement**
   Already married
   Is in the waiting period

Characteristics of a Prospective Spouse

1) Desirable Characteristics in a Bride

عن أبي هريرة رضي الله عنه عن النبي صلى الله عليه وسلم قال: "تنكح المرأة لأربع لمالها ولحسبها وجمالها ولدينها فاظفر بذات الدين تربت يداك "

"A woman may be married for four reasons: for her property, her status, her beauty, and her religion; so try to get one who is religious, may you be blessed."

If you are a religious man then you still should look for everything else also like status, beauty, and property

What are the qualities in the bride?

1. To be of good manners and religious
2. Fertile and affection
3. First time marriage – to be maiden
4. To be content or pleased – not with the pleasure of this life
5. To be of a good linage
6. Beauty – something relative; what is inferior to you might be superior for someone else
7. Age – recommended for her to be younger than him
8. Easy dowry (Mahr)

2) Desirable Characteristics in a Groom

يقول صلى الله عليه وسلم : " إذا خطب إليكم من ترضون دينه وخلقه فزوجوه إلا تفعلوا تكن فتنة في الأرض وفساد عريض. "
(ابن ماجه)

"If somebody comes to you and you are pleased with his character and religion then marry him. If you do not, there will be discord on earth and widespread corruption." Ibn Majah

To be religious

Marry your daughters to someone who fears Allah because if he loves her he will be generous to her and if he hates her, he will not commit any justice towards her

3) Importance of Piety and Righteousness

a) In the bride
b) In the groom

Selecting a Prospective Spouse

1. **Preference of a relative or a non-relative?**

The prophet set the example he married both relatives and non-relative

Ex. Prophet married Zainab daughter of Sophia, who was first cousin through his aunt

Relative

Strengthening the ties

A better chance of getting early marriage

It helps relieves the pressure

Keep the wealth inside the family

2. **Set up family marriages, is it allowable?**

   It is allowed to for pre arranged marriage (usually happens among relatives)

   2 types

   Consummated marriage

   Celibate marriage – young; unable to consummate marry

3. **Engagement by commissioning**

   You are allowed to tell someone to find you your spouse. You have to give them the specification to find the spouse

4. **Why is dating Haram?**

   Because it leads to being in privacy with a non-mahram person

   It can lead to unlawful acts – touching , kissing, coming close to each other

   It is illusive; still a new adventure

   Exhausting their emotions before getting married

   Damages reputation of culture

5. **Matrimonial services, what is the ruling?**

   Yes, it is allowed as long as it with the Islamic rulings

6. **The engagement ring**

   Gold for men is haraam

   Gold for women is allowed

   Engagement ring in Islam is not allowed (bidah)

The Procedure of Selecting a Bride

1. **The role of female family members**

   Take delegation of women family members

   Community women know each other

   Interested in the physical appearance

2. **Direct proposal to a female, is it allowable?**

   There is no ruling that prohibits this, but you have to be modest

The Procedure of Selecting a Groom

1. **The right of the woman to select her prospective husband**

   It is allowed for her to ask her father to see if the guy that she likes would be interested in getting married with her

According to the culture it is forbidden

2. **Offering ones female family member to a righteous person**
   Like father asking the guy if he would be interested in getting married to her daughter
   It is permissible
   Ex. Umar bin Khattab and his daughter Hafsa
   Umar went to Uthman and asked him to marry her, Uthman said no. Umar want to Abu Baker, Abu Bakr didn't say anything. Prophet asked to marry Hafsa, and Umar said yes. Abu Bakr then told Umar that he heard the Prophet wanted to marry her, so he did not want to respond and say yes.

3. **Direct proposal to a man, is it allowable?**
   It is permissible

Looking at the Opposite Sex

1. **The ruling of lowering ones gaze**
   They have to lower your gaze, do not look into the eyes
   If you don't lower your gaze, it will lead to haraam things
   It starts with a look, turns into a obsession, and leads to sins
   Ali RTA - Do not follow a look with another look, if it is a first look and look away its ok, and the second look would be considered as intentional and this is wrong
   This applies to both men and women

2. **The 'Awrah' of a non Mahram man**
   From his navel to his knees

3. **The 'Awrah' of a non Mahram woman**
   The Awrah is all her body

4. **Awrah of members of same sex**
   Men - from his waist to his knees
   Women from her waist to her knees

5. **Awrah of a Muslim woman in front of a non-Muslim woman**
   Some scholars say that a Muslim cannot go a public restroom/bathroom with a non-Muslim women; this is because a non-Muslim women might speak about them

Some scholars say that Muslim women can remove Hijab in front of the non-Muslim women, as long as they are trustworthy

6. **Awrah of a male and female Mahram**
   Hands to elbows, legs to knees, and neck

7. **Awrah in front of children**
   Only during the time that kids cannot recognize the Awrah, then its ok
   It would be the same as with Muslim women
   However, if they can recognize the Awrah then you cannot

8. **Exemptions?**
   Men that do not have desire to women, but if they have any desires then you cannot
   People with no gender that have desire

The Rulings of Hijab

"يا أيها النبي قل لأزواجك وبناتك ونساء المؤمنين يدنين عليهن من جلابيبهن ذلك أدني أن يعرفن فلا يؤذين"

"O Prophet! Tell thy wives and daughters, and the believing women, that they should cast their outer garments over their persons (when abroad): that is most convenient, that they should be known (as such) and not molested. And Allah is Oft-Forgiving, Most Merciful."
Al Ahzaab 33:59.

This is also mentioned in surah Noor Ayah 30 & 31

1. **Hijab: The definition**
   Covering the body in general
   Covering women's body in front of the non-mahram people
   The real definition – a collection of legal rulings and etiquettes which regulates relationship between men and women who are not related (non-mahram)

2. **Hijab: Islamic or religious injunction?**
   Religious practice, its not Islamic
   Jews and Christians also practice Hijab, but their way is just different
   The Omish people also practice Hijab

3. **Purpose and reason**

According to SAS, he told women don't go out and behave like non believing women (this differentiate it between a non believing women and a believing women)

Hijab purifies the soul

No reason to go out if unnecessary

It was prescribed to protect the women to identify them and not harm them

Modesty

4. Proofs and evidences

Surah Al-Noor

Surah Al-Ahzaab

5. Rulings of legal apparels

To cover the whole body

It depends on the culture you are brought up in

The clothing should be loose

No specific color. However, it should not be too bright to attract anybody's attention

The feet is also part of the Hijab

6. Ruling of Niqab 'face cover'

Disputed

7. Legal age of Hijab

Training age of 10

And mandatory after they reach the age of puberty

8. What is the male legal dress code?

To be modest

Clothes should not pass ankles

To cover the whole Awrah

No short clothing

Cover their heads – with culture

Not to show off

Avoid silk and gold

Artificial silk is OK

Not to be similar to the dress of women – its custom

Having a beard

Looking at One's Prospective Bride

1. **The legal ruling**

    Mustahab (recommended) and highly recommended by SAS

    Majority of the scholars recommended to see the spouse

2. **The reason of permissibility**

    Physical features of both and men and women to get attracted. Initially they were only allowed to see the face and the hands. But when she is visited by women then she can show her full beauty

3. **The eligible time for looking**

    It should be before proposing. Sincere and genuine intention

    Need to know if she is married or not and then go and have a look at her

4. **The condition of permissibility**

    The real and the genuine intention to marry her

5. **The procedure**

    It doesn't have to be with her permission as long as they have the right intension

    Some scholars say that they should ask her

    Some say to propose to her and see her later

6. **The allowable amount**

    Majority of scholars say

    He is allowed to see her face and hands only

    Female members of his family/friends can investigate

    Abu Haneefa

    Can also see the feet

    Imam Ahmad

    Can see what is revealed in her regular day's activities

    Imam

    Generally, to look at her from top to bottom

    Imam Hazm

    Can see everything

7. **The allowable duration**

    According to the custom; reasonable amount

8. **The number of times**

    No specific time

Generally the amount that it will take him to propose to her

Questionable Ways of Looking

1. **Sneak a peak -** NO
2. **Hidden cameras -** NO
3. **Looking at a picture –** Yes, if intention of proposal
4. **Looking through the internet –** (Webcam) very controversial (you don't know who is watching), personally not allowed
5. **Being in privacy without Maharam -** NO
6. **Being alone in a public place without Mahram -** NO
7. **Setting up a casual situation without her knowledge -** YES

The Betrothals of the Prophet salla Allahu alayhi wa sallam

1. **Umm Al Mu'mineen Aisha**

    Most beloved wife

    SAS wanted to see Ayesha RTA and Abu Bakr Siddique RTA said to SAS that he will send her to his house and then he can tell him if he like her or not. He sent her with dates and SAS replied that he liked the dates and told her to tell him that the dates were really sweet. This was SAS proposal to Ayesha RTA

2. **Umm Al Mu'mineen Hafsa**

    Hafsa RTA was a widow and her father Umar RTA took the proposal to Umar Bin Quattab and he said no. Later he went to Abu Bakr Siddique RTA with her proposal and he said nothing. Later SAS proposed to her and later Abu Bakr Siddique RTA said that he had found out before that SAS was going to propose to her and that's the reason why he did not say anything

3. **Umm Al Mu'mineen Umm Salama**

    Hind bint Abi Umaiya married to Abu Salamah who passed away

    SAS proposed to her and she told that she was old, had many kids and that she is a very jealous women. As for age SAS that I am older than you and I will take care of your kids, and ask Allah to take her jealousy away.

4. **Umm Al Mu'mineen Umm Habiba**

    Ramlah Bintu Abu Sufian RTA was married to Obaidillah Bint Jahsh

    She went with her husband and she had a bad dream that her husband converted to Christianity

    SAS told Annajasi to propose to Umm Habiba on his behalf. She was the only wife not present when the marriage contract was completed.

5. **Umm Al Mu'mineen Zainab**

    Allah ST was the waali to this marriage, after her husbands (Khalid bin Zayed) death

    She would brag to all the wives that all of them got married with their waali (relatives) and she was the only one that Allah ST was her waali

Breaking Off

The Consequences of Revoking the Engagement Agreement

Sometimes things don't work out as planned so there are the ruling on how to break of the relationship.

1. **Is the engagement a revocable contract?**

    It is a promise to get married when you said that the engagement will be done after a certain time, you can later be revoked because it is just a promise

    Even though it is not binding, it is highly recommended to keep it

    If the agreement is broken then it should be done as soon as possible. Don't wait longer. Waiting long could get personal

    Do not need to provide reason, but be considerate

2. **The betrothal gifts**

    All scholars say

    If part of the Mahr or dowry – it is an agreement, and it should be given back to him. If it is consumed that something equal should be returned to him

    It doesn't matter who broke it off

    What if the gift was used

    Hanafi – he receives it back with the original condition. If it is damaged then he looses it.

    Maaliki – the man doesn't receive anything if he revokes it. However, if the girl's side revokes it then all the gifts should be returned in the original conditions. If it was damaged then it has to be compensated.

Shafi – if available he takes it back, if damaged, give money or something of equal value

Hanabila – not allowed to get anything back, because it was given as a gift.

Hadith - if you take the gifts back it is like eating the dog's vomit

3. Compensation for potential harm and damage

Some scholars say that it should be compensated

Some say that it should be taken as a part of charity for the marriage - wallahuaalam

Chapter Four

'In a Golden Cage' the Rules of Marriage

قال صلى الله عليه وسلم في خطبة حجة الوداع: (واتقوا الله في النساء! فإنكم أخذتموهن بأمانة الله، واستحللتم فروجهن بكلمة الله، ولهن عليكم رزقهن وكسوتهن بالمعروف)
رواه مسلم

In the farewell khutbah the Messenger of Allah salla Allahu Alayhi wa sallam said:
"Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah."[6]

The integrals of a marriage agreement أركان عقد النكاح

1. **The spoken form**
2. **The two contracting parties (The bride and the groom)**
3. **The witnesses**
4. **The bride's guardian "Wali"**

Hookum – side of structure that holds the roof on it

Hanafi – Existence of matter is dependent on its presence and has to be part of its essence.

What would be the integrals?

Just the spoken form

Junabili – Existence of matter is dependent on its presence and not has to be part of its essence

What would be the integrals?

The spoken form, the two contracting parties, and the Wali

First: The Spoken Form "الصّيغة"

1. **Definition**

The formal spoken offer by one party (Al Ijaab)الإيجاب

The acceptance by the other party(Al Kubool) القبول

2. Rulings of the spoken words

Accepted words on which there is agreement

Zawaj

→ in Surah al Ahzaab Ayath 27

→ immediate possession of relationship

Nikah

→ Surah Al Nisaa Ayath 22

→ To be continuous through lifetime

✓ Rejected words on which there is agreement

Any word that does not imply the immediate possession or life long agreement

Ex. of words

1. Ibaha (permissibility)
2. lending
3. enjoyment
4. Wassiyah (will)
5. Rahan (mortgage)
6. Trust

✓ Words on which there is disagreement

Al Bayer – Selling

Al Qeeba - Gift

As Saadaqa – Charity

Al Adiyah – Present

✓ Using writing or sign language as an alternative

Not acceptable if both parties were present and able to speak

Acceptable if person cannot speak, if it was clearly understood and expressed with intention of marriage

Any contract should have Al Ijaab and Al Khabool

Muatadh – without interaction with another person, not allowed in marriage

3. Conditions of the spoken form

The language

There is an opinion that it has to be in Arabic because the words used (Zawaj and Nikah) has to be used in marriage contract

If one person does not understand then you can use language that is understandable

In English the word used should be in past tense. Ex. I have already given you my daughter in marriage (Zawajtuka Binti) and the guy would say I have accepted (Khabilta)

The intention has to be clear – Ex. If the guy says "I will", some scholars say that it's ok and some say that it's just a promise

Both statements Al Ijaab and Al Khabool should be done in the same session

It should not be interrupted outside the marriage contract. It should be done immediately

No specific ruling on silence interruption – depends on tradition of community/culture

The exact correspondence of the Al Ijaab or Al Khabool should matach

The one who gives the proposal have to be on the offer until you receive the answer. You cannot revoke the proposal. Ex. If you are interrupted and the person come back to answer the question he has to ask for it again

The spoken form should imply immediate after the fulfillment of contract. Should not use the word Inshallah unless you refer to Inshallah for Barakah

4. **Stipulating a grace period of choice in the contract**

An optional close after you make contract Ex. See if it works for 3 days – it is not allowed

Forms of Marriage contracts which violate this rule

The temporary marriage (Zawatul Mutaa) "زواج المتعة"

It was acceptable in the early times. Abdulalh Ibn Abbas felt it was permissible he was complaining that people twisted his words and he said it was wrong and was allowed only as a necessity just when we know like allowing eating pork in dying necessities

It is practiced now only by Shia

This is forbidden because it does not have implication of life long relationships

Its another form of Zina

Marriage with an intention of divorce

If he mentions that he will get married to her only for two months

It is harram for him for him to have an intention of divorcing her.

But if the marriage takes place and no one knows except for him, it is still haraam for him, but marriage is till vaild

'The borrowed goat'

Marrying someone to make her halal for an ex husband

You have to have intercourse for the second marriage to be halal

It is completely forbidden

The marriage is null if the person knows the intention

Marriage of convenience

If fulfills all legal requirements it is acceptable; Unless a time period was stated that he will divorce

Second: The Two Contracting Parties

The Bride and The Groom "العاقدان"

1. Conditions of the two parties

Specification of the bride and the groom

You know them by name – who is marrying whom

Legal competence

Person has to know legal contract

You cannot get a 2 yr old married because she is not competence enough.

What is the age limit for a legal marriage contract?

There is no age limit for the man and women. However, they could be some traditional ways of doing it. Like pre arranged marriage

If it is pre arranged marriages the kids had the right to revoke it after puberty

Listening to the other part of the spoken form

To be free from any defects that prevent the fulfillment of the essence of the contract

The guy is sick and wants to get married before he dies

Not to be in a state of Ihram

Mutual consent

Both parties are in full agreement

1. Conditions of the Bride "الزوجة"

To be a definite female

No doubt in her sex

Not to be of his Mahram (Unmarriageable kin)

Surah Al-Nisaa A-23 to 24

The unmarriageable kin (Al Muharamath) "المحرمات"

1. **The permanent prohibited relationships**

By blood relationship

His Ancestors – mother, grandmother….

His Descendents – daughters, granddaughters…

Parents descendants - sisters, nieces,

The first generation of grand parents offspring's - auntsides

By affinity (by marriage)

Wife of his ancestors

The wives of his descendents – daughter-in-law

Ancestors of the wife - grandmother

Descendents of the wife

By breast-feeding

All the above; he is considered as the child

Ar-Radaah – breast feeding

→ should be for the first two years

→ The amount of milk that he drinks

→ The number of times his drink

→ Scholars have different opinions on this.

a. Ayesha RTA said that first it was 10 times. Later she said that it was obligated to five sufficient times

→ There was an exception to this rule. Abu Hudaifa was very jealous that Saelem (salve) would move around her house freely. So SAS told her to feed him and she did. He was 13 yrs old.

→ The milk that is caused by one man – if one wife breast feeds one girl and the other wife feeds another boy. The boy and the girl are not related. This is still haraam.

2. **The temporary prohibited relationships**

A divorcee from a final divorce

For the same man who divorced her. She has to marry someone else divorce him to get married to her first husband

A woman related to another husband

Legally married but not consummated

Consummated marriage

A women in her waiting period after her divorce

Disbelieving woman

Except Ahle Kitab (Jews & Christians)

Sister in law and her Mahrams

Sister of your wife, her aunts etc

A fifth wife

You cannot marry for the fifth time. Unless he divorces one of his wives and fulfills his Iddah (same as women 4 m and 10 days)

He has to wait if he wants to marry his ex-wife's sister.

He has to wait for the Iddah for the divorcees, widow until her Iddah is finished.

Marrying from Ahlul Kitaab
'The people of the book'

- Definition of the people of the book
  Any women who believes in a revelation - Judaism and Christianity
- The Fiqh opinion
  Majority of Fuqaha
  - It is allowed to marry people of the book

  Opinion of Umar RTA
  - Marrying Ahlul Kitaab is forbidden
  - In Qur'an – do not marry polytheists until they are believing
  - Most scholars are against this thought

  If marrying Ahlul Kitaab – make sure she is a chaste woman (not a prostitute, or repented for other relationships they have had.
- Consideration of the Muslim welfare
  Should be careful of the consequences
  Woman does not have to become Muslim

2. Conditions of the Groom "الزوج"

To be a definite male

To be a Muslim

Not a Mahram

Prohibited marriages

1. **A Muslim woman to a non-Muslim man**
2. **A Muslim man to a non-Kitabi woman**
3. **A Muslim man to a woman of one Kitabi parent** – if there is haraam and the halal it is leaned towards haraam more. So that is the reason you cannot marry
4. **Marrying to a Murtadd (apostate)**
5. **Marrying to an adulterer**

Forms of marriages which violate this rule

1. **'Barter trade' marriage نكاح الشغار**
   giving one daughter for another daughter with no mahr

2. **Pre-arranged marriages**

Valid contract – after puberty have the right to cancel the contract

Third: The Witnesses "الشاهدان"

1. **The wisdom behind this stipulation**

   To show its importance of marriage
   To avoid the people being accused of anything haraam
   To recognize the halal and haraam matters
   For confirmation of marriage

2. **The Fiqh opinion**

   For the four Mazhab it is Shirth – have to have a witness
   SAS Aalimul Nikah (announced marriage). You have to take it out to the public
   The Nikah is invalid unless there is two witnesses

3. **The time of this testimony**

   The shahadah – Al Jummor at the time of the contract (the spoken form)
   Malikis – it is recommended at the time of the contract, but delaying till the time of marriage is OK

4. **Conditions of the witnesses**

   Legal competence - to be Muslim, to be full of sanity, above the age of puberty
   Witness should be two men
   They have the ability to hear the spoken form and reply

Forms of marriages which violate this rule

1. **The 'Secret Marriage'**

   Most scholars say that it is Makrooh (disliked)
   Maaliki – They say it is not allowed

Fourth: The Bride's guardian 'Wali' "الولي"

1. **Definition of guardianship**

   It is a legal competence and the ability to own the authority to dispose ones affairs. Father for son and daughter.

2. **Categories of guardianship**

Wilayah Wannas – guardianship over one person – father and his father (grand father)

Wilayah Tu Ijbaab - Those who may compel the female charges to someone

Those who may not compel the female charges to someone. They can represent on her behalf.

Guardianship over one's property – father, grandfather, and the judge

Guardianship which combines the both -

3. The Fiqh opinion

Al Jumhoor – they say it is rukoon. The marriage contract is valid without the name of the wali

Other scholars say - The women can speak for herself – she does not need her wali on one condition – the man has to be the suitable match

Unmarried woman is more worthy to have control over herself

4. Conditions of the Wali

Legal competence

To be a Muslim

To be a Man/Male – majority of scholars say this

To be trustworthy

Maturity – understand what they are doing

Being free from the state of Ihram

5. The order of the guardianship among the bride's relatives

The wilaya should follow the inheritance law system. The paternal side only applies – unless none are available

1. Father
2. Grandfather
3. Son (age of puberty) from previous marriage
4. Brother

6. In the absence of the Wali

You wait. Try to communicate with him. If he does not turn up then it goes to the second wali, then to the children, brothers, and then uncles. Some scholars says that uncles comes before brothers

The foster father cannot be a wali because she cannot inherit the wealth

In the absence, an Imam can be Wali

Rulings of the bride's consent

1. Consent of a maiden bride

If she is young then you do not need her consent

Silence is taken as a yes
If she leaves it to her wali

2. **Consent of a non-maiden bride**
   She must say either yes or no
   It is very essential and important

3. **Marrying a bride under the age of puberty**
   it is permissible
   At the age of puberty they can revoke it

Rulings of the guardianship

1. **Abusing the right of guardianship** العضل
   Ex. he retires and does not allow anyone to marry her, so he can be supported
2. **The guardian of a non-Muslim bride**
   Can be her non-Muslim wali
   A Muslim can't be a wali to a non-Muslim

3. **The non-Muslim guardian of a Muslim bride**
   This is not acceptable. She must have a muslim wali
   Surah Al Nisaa – A – 141

4. **The guardian of someone who has no legal guardian**
   The Ameer would be the wali

Commissioning in marriage contracts
"الوكالة في عقد الزواج"

1. **Definition of commissioning**
   Act on behalf of someone with authority received from him/her.
   Jumhoor – says no
   A man is allowed to commission another man
   The father can just authorize her brother to perform on his behalf

2. **The Fiqh opinion**
   Hanifi – commissioning is permissible for a woman
   Majority of scholars say women are not allowed

3. **Conditions of the commissioner**
   Legal competence
   To be a Muslim

To be a Man/Male – majority of scholars say this
To be trustworthy
Maturity – understand what they are doing
Being free from the state of Ihram

4. **The authority of the commissioner**
   Limited commissioning – Ex. Marriage of Ayesha to Mohammed and bring someone as witness
   Unlimited commissioning - ex. Father telling her son to take authority to get his sister married to who ever he thinks is right for her

Rulings of commissioning

1. **Can the commissioner issue the marriage for himself?** Yes, if the women accepts the proposal. Others say that you cannot because of the conflict of interest
   - ✓ Commissioner can be same for both parties

2. **Can the original commissioner commission another for the same contract?** No, you have to go to the person and tell them, don't just pass on the job.
   Cannot commission someone to fulfill your duties as a commissioner

Forms of marriages which violate this rule

1. **Az-zawaj Al-orfee "customary marriage"**
   Not haraam, but makrooh

2. **The friend marriage**
   Often happens usually at campuses, one act as a wali, the other as Imam, and they just get married.
   It is not a valid marriage contract
   It is close to zina

3. **Common law marriage**
   If you live with a person for six months. This is pure zina.

Part two:

Essential requirements for the marriage contract

واجبات عقد النكاح

1. **The Dower "المهر و الصداق"**
2. **The Suitable Match "الكفاءة"**

First: The rulings of the dower

1. Definition

- ✓ Two words – Mahr or Sadaaq
- ✓ Mahr – something in exchange of marriage – be it required by the judge or agreement between the two parties.

2. The Fiqh opinion

- ✓ It is not a pre-requisite or essential component to validate marriage contract, but it is still a ruling

3. Nikah At-tafweed

- ✓ They agree on canceling them out. Eliminating the Mahr – it is permissible. If the marriage consummates you still have to pay the Mahr

4. Conditions of the dower

- ✓ Valuable and not haraam

5. The amount allowable for a dower

- ✓ Something valuable (Islamically) – material or moral
- ✓ There is no maximum amount for Mahr
- ✓ Minimum - diff opinions

  Hanafi - 10 dirhams
  Maliki – 3 dirhams
  Shaafi – anything that can be called as wealth
  Others – anything that is called a thing as long as it as halal
- ✓ Non-material Mahr – Quran, promise for Umrah or Hajj
- ✓ SAS recommended the smallest amount, as easy as possible – the reason is that the guy will not ever forgive her
- ✓ This is a form of a debt (deferred) unless the wife forgives her Mahr
- ✓ Most of the Prophet's wives had just almost 500 dirhams
- ✓ Even his daughter he did not ask for more than 500 dirhams

6. Extravagant dowers

- ✓ The dower is a debt that must be paid, so requesting dower is putting a large debt and burden on someone

7. When the woman is entitled to her entire dower?

- ✓ Different opinions

At the actual time of the consummation (intercourse)
A true seclusion – complete privacy
The physical enjoyment in a manner less than sexual intercourse
A Mahr is due if marriage takes place but man dies before consummation of marriage

- ✓ Mahr is due even if divorce is pronounced when he is on his death bed

8. **The customary dowry**
   - ✓ Mahrul Mithr - If they did not agree on a specific amount for the Mahr, then go by the customary dowry in the social class of the girl's relatives

9. **Dividing a dower**
   - ✓ Can pay part of it right away and the rest could be deferred

Second: The rulings of the suitable match (al Kafaa)

1. **Definition**

   Equality or similarity
   Legally (Islamically) – Equality or similarities in different characteristics
   This is required for the stability in the marriage

2. **The Fiqh opinion**

   The four Imams – it is condition (shart) to make the contact binding. It is valid but suspended until it is accepted
   The daleel for it – hadeeth - three things should not be delayed – salath, the janazah prayer, and the girl that has a suitable match but not married.

3. **Who has the authority to demand suitability?**

   It's the women is the one who demands the suitable match
   If her guardians object, then it will not be a suitable match
   The girl's family posses the right to nullify the marriage because it is not suitable for the girl

4. **To whom suitability is sought, the bride or the groom?**

   Groom to the bride
   Man can marry any women
   But women may marry only suitable match

5. **Considering the qualities of suitability:**

   Faith
   Deen

Eeman

Good manners

Chastity

Linage and ethnicity

Tribe and clan are very important

Wealth – rich to poor

Profession – If he is not a doctor then forget it

Soundness – intelligent to less intelligent

Age – don't marry with too much age difference

Freedom

Health conditions – is the husband is disabled, but if she does not have any problem then its OK

Part Three:

The Prerequisites of the marriage contract

1. **Prerequisites of the validity شروط صحة**

   The bide is not mahram to the groom

   The presence of the wali at the time of the contract

   The presence of the witnesses

   If the marriage contract lacks 1/3 it is invalid

2. **Prerequisites of the effectiveness شروط نفاذ**

   The contract will be valid but suspended (until something external effect)

   Competence of both parties

   To have the authority to perform the contact.

   If the brother finds a guy for his sister, and both agree, the marriage will be valid but suspended until her nearest wali (father) completes it

3. **Prerequisites of a binding agreement شروط لزوم**

   It is valid because it fulfilled the prerequisite of validity and effectiveness; but one thing is lacking

   To be free from any final clause Ex. I will try for 3 days and then Inshallah then I will agree

   To be free from any deceit or defect Ex. If the girl lies about her age before marriage, then the guy can cancel the marriage. You just give all the gifts back. However, if he does not mind, then the marriage can take place

Adding stipulations to the marriage contract

قال صلى الله عليه وسلم: "إن أحق الشروط أن توفوا بها ما استحللتم به الفروج" البخاري ومسلم

The Messenger of Allah salla Allahu alayhi wa sallam said: **"Indeed, the conditions that are the most worthy of fulfillment are the ones which you stipulate to make intercourse with women lawful to you."** Bukhari and Muslim[7]

1. **Stipulations which are obligatory to be fulfilled**
   - Part of the requirement in general.
   - Mahr does not fall in this category – it is already stated and has to be paid

2. **Stipulations which are legally nullified**
   - Any condition that contradicts some of the integrals of marriage contract.
   - Ex. You sit with the wali and he has one condition – you will not touch her, he can say yes or no. This will nullify the marriage

3. **Stipulations made for the interest of the wife**
   - Ex. She can put one condition like I will not leave Houston after marriage, I don't want to marry another wife, she can ask for the right of divorce and not Qula etc.
   - Majority of the scholars say that the condition is nullified.
   - Hanabila say these conditions need to be fulfilled. If you agree to these conditions then you have to fulfill these conditions

4. **Stipulations that are prohibited**
   - Anything that is stipulated that is haraam or something that leads to haraam
   - To cut the ties and relationship with his/her family

The different status of a marriage contracts

1. **Valid and binding contract**
   - After fulfilling the integrals, stipulations of effectiveness and validity

2. **Valid and non-binding contract**
   - After fulfilling the conditions of above, but lacks the condition of a binding contract
3. **Suspended contract**
   - After fulfilling validity and biding, still need approval of both parties

4. **Invalid contract**

    Missing one of the integrals of the marriage contact

First: The consequences of a marriage contract

First: The consequences of a valid and binding contract

1. **The conjugal right 'enjoying the spouse's person'**
2. **The move to his residence**
3. **The dower (Mahr)**
4. **Sustenance and spending**
5. **The establishment of affinity (unmarriageable kin)**
6. **The verification of the child lineage** - if the child is born after 6 months of the pregnancy then the child is legal. However, if the child is born healthy before 6 months then the child is illegitimate.
7. **The establishment of the inheritance right**
8. **The right of obedience to the husband** – obeying husband takes precedent over obeying parents
9. **The right of husband to chastise his wife** – it has to be an emotional treatment and not physical. When you hit your wife it should not leave any hits or bruises on you.
10. **The kind treatment** - from both parties

Second: The consequences of a valid and non-binding contract

1. **The same consequences of a valid contract**

    All mentioned above applies

    Right to call for the annulment of the contract

2. **The right to call for disintegration of the contract**

    If you find anything, like you found him to be disabled, or her disabilities you can disintegrate the contract

Third: The consequences of a suspended contract

1. **No consequences until it is approved**

Fourth: The consequences of an invalid contract

1. **According to Madhab Imam Abu Haneefah**
2. **According to Madhab Imam Malik**
3. **According to Madhab Imam Ash-Shafi'ee**
4. **According to Madhab Imam Ahmad**

Second: The protocol of the Marriage Contract

<u>The documentation of the marriage contract</u> – the rights of the spouse

1. **The Fiqh opinion**

   It is recommended - It is not waajib

   Surah Bakaraa – A- 282 (longest ayah). Allah ST recommended to document these contract

2. **The importance of documentation**

   To preserve the rights of the two parties

   10 consequences of a valid and binding contract

3. **The legal requirements for this documentation**

   ID's of both the parties (bride and groom)

   Request to bring the marriage certificate from the city

4. **The wording of this document**

5. **Islamic centers and marriage documentation**

6. **Charging money for documentation**

   It has to be done in a standard format

<u>The ceremonies of a marriage contract</u>

1. **Who should perform the ceremony?**

   An authority in the area (Imams)

2. **Marrying outsiders**

   One of the contacting parties should be from the area

   If both of them are out of towners then avoid

3. **The place where the ceremony should take place**

   Recommendation – Islamic centers

4. **Seating the contracting parties**

   Have them sit together

   The bride does not have to be there, her wali should be there

5. **The different words of the spoken form**

   Be specific – Ijaab and Quboor

6. **A marriage contract: step by step**

Go to the bride and confirm her with the ID provided, ask her about the Mahr, ask her if she needs to include any conditions, then go to the groom and ask if he needs to include any conditions. If they both agree then go and get the signatures and the Iman later signs the marriage contact

<u>Example of the declaration of marriage contract:</u>

Declaration of bridegroom:

"I ………………., a Muslim, born on ……………. residing in ……………………..,
phone # (   ) SS# / DL # ………………………accept Miss ………………… as my wife according to the precepts of the Qur'an and the Sunnah of Prophet Muhammad salla Allahu alayhi wa sallam. I declare to abide by the laws of Islam as a Muslim husband in the presence of the gathering and the witnesses and Allah is the best witness of all.

I also promise to give ………………………………as Dower to my wife.

Declaration of bride (or wali)

I ……………………… of ……………faith, born on …….................. residing in …...
phone # (   ) SS# / DL # …………………….. accept Mr. ………………. as my husband according to the precepts of the Qur'an and the Sunnah of Prophet Muhammad salla Allahu alayhi wa sallam. I declare to abide by the laws of Islam as a (Muslim) wife in the presence of the gathering and the witnesses and Allah is the best witness of all.
I also accept conditions and Dower specified.

Third: The marriages of The Messenger of Allah Salla Allahu Alayhi Wa sallam

<u>Ummahtul Mu'mineen</u>

1. **The total number of the wives of Rasulullah** –

   14 in general - scholars agree that he had 11 wives and 2 wives died in his life time. There is a dispute he had 3 more wives.

   Maria Qibtityah - was a concubine or wife (disputed)

   Asma bintu Noman – he found a defect in her so he sent her home

   Amrah bintu Yazi - he just let her go because she said "I seek refuge in Allah from you".

2. Marrying Ummahtul Mu'mineen

Khadija bintu Khuwailid *radiya Allahu anha* –

Died during his lifetime

Had all of his children except Ibrahim

Daughters – Zainab, Ume Kulsum, Roqeyah (Died during his lifetime) and Fatima

Sons – Abdullah and Kasim – died during his lifetime

Souda bintu Zam'aa *radiya Allahu anha*

Aisha bintu Abi Bakr *radiya Allahu anha* - he contracted with her father in Makkah and they consummated the marriage in Madina at age 9 or 10. She was the only Maiden women that he married.

Hafsa bintu Omar *radiya Allahu anha*

Zainab bintu Khuzaima *radiya Allahu anha – Ummul Maasakeen–*

Died in his life time

Umm Salam bintu Abi Umayyah *radiya Allahu anha*

She was the one who complained that she was old, had jealousy, and she had children..

Zainab bintu Jahsh *radiya Allahu anha*

Who was the wife of his adopted son and his cousin

Juwairiyyah bintu Al-Harith *radiya Allahu anha*

She was captured and she became the women of high rank. She was recommended from him. She came to SAS to tell him to free her from the tribe, and he paid the ransom and married her.

Umm Habibah bintu Abi Sufyan *radiya Allahu anha*

In Makkah period, the consummation of marriage was in 7th Hijri. Abi Sufiyan was a Kaafir, and he was very happy when SAS was married his daughter.

Safiyyah bintu Huyay *radiya Allahu anha*

She was a Jew. She was the daughter of the Jewish community. He proposed to her and she accepted.

Maymoona bintu Al-Harith *radiya Allahu anha*

She was the sister-in-law of the Ibn-Abbas.

3. The lineage of Ummahtul Mu'mineen

Those from Quraish

Khadija bintu Khuwailid

Aisha bintu Abi Bakr

Hafsa bintu Omar

Umm Habibah bintu Abi Sufyan

Umm Salam bintu Abi Umayyah

Souda bintu Zam'aa

Plural Marriage تعدد الزوجات

1. **Polygamy or Polygyny?**

2. **Ruling of Polyandry**

3. **What is the default in marriage; monogamy or polygyny?**

   The default in marriage is monogamy

   Is there any preference – some scholars say it is recommended to marry more than one wife. If you can do justice to all your wives then you can marry more than once. Some say that is recommended to marry only one.

4. **The justification of polygyny**

   General reasons

   Solving the social problems of women in numbering men

   The need for this Ummah to increase the population

   Establishing more and stronger affinities

   Specific reasons

   If the wife cannot carry any babies

   Sometimes the disability to fulfill the husband's rights

   Hatred between husband and wife

   Stronger sexual drive of men when compared to women

5. **Limiting the plural marriage up-to four**

   Allah's command – he knows best

   Some scholars say – to achieve extreme satisfaction (sexually)

   If he can do justice to all his wives then he can marry up to four.

6. **Rulings of plural marriage**

   All marriages are equal and binding

   Wife one is not the chief of the gang

   Wife 4 should not have preferential treatment except for the first week if she is a maiden

   Do justice

   Prophet SAS said if you prefer one wife, then will come to day of judgment leaning towards one side

   His time and wealth should be just; heart does not have to be

The Messenger of Allah *salla Allahu alayhi wa sallam* and plural marriage

1. **Muhammad *salla Allahu alayhi wa sallam* as a man**

   Until the revelation, he was only married only Khatijah RTA

After the revelation (age 50), he then married his later wives

2. **Muhammad *salla Allahu alayhi wa sallam* as a Messenger of Allah**

3. **The reasons for plural marriages in the life of Rasulullah**
   Educational reasons
   Legislative reasons – like marrying Zainab to stop adoption rulings
   Social reasons - marrying Sauda and Salama
   Political reasons
      Marriage of Habiba
      Marriage of Juwayriyah

Chapter Five

'Uniting in goodness' Wedding and Intimacy

First

Announcing the Marriage

عن محمد بن حاطب الجمحي قال: قال رسول الله صلى الله عليه وسلم :"فصل ما بين الحرام والحلال الصوت وضرب الدف" رواه الترمذي

The Messenger of Allah salla Allahu alayhi wa sallam said: **"Distinguishing between the forbidden and the permissible (with regard to marrying a woman) is the voice (of singing) and the beat of the *duff*."** At-tirmidhi.

The wedding party الزفاف

1. **The Fiqh opinion**
   Mustahab – highly recommended to announce wedding
   Imam As Zuhir – says it is Wajib

2. **The meaning of announcing the marriage**
   Take it out to the public

3. **Weddings and customs**
   Everything is permissible unless it is not mentioned in the Shariah

Using fireworks – it is OK

Religious customs that copy other religions – like tossing the bouquet before she leaves

4. **Singing in the wedding party**

It should display good manners between people

Songs that say haraam things are prohibited

5. **The use of instruments**

Instruments other than duff is haraam

6. **Dancing in the wedding**

Belly dancing is prohibited

As long as it is folkloric

7. **Rulings of different customs in wedding parties:**

Extravagance in wedding parties

It is haraam

If they can afford it then they can have it

Free mixing

It is haraam

If the women are in full hijaab, and the men lower their gaze then it is ok

Wedding rings

The same ruling applies like the engagement ring

Presenting the bride and groom

The groom in the women section

Recording the wedding party

As long as they do full hijaab it is OK

The wedding procession

Gowns and Tuxedos

There is no limit to the customs, unless it goes against the shariah

8. **Weddings at the time of Rasulullah salla allahu alayhi wa sallam**

The congratulations upon marriage[8]

"بارك الله لك وبارك عليك وجمع بينكما في خير"

"Allah's blessings for you and blessing upon you. May you be joined together in goodness."

The wedding dinner '*Waleemah*' الوليمة

1. **Definition**

   Title of the meal served for marriage

2. **The Fiqh opinion**

   Majority of the scholars says it is recommended
   Imam Zahir – Wajib

3. **Time of the *Waleemah***

   It is the next day – recommended

4. **The amount of *Waleemah***

   Does not have to be specific
   Just bring people to celebrate with you

5. **Sending invitations for the *Waleemah***

   YES, you can invite people

6. **Responding to *Waleemah***

   it becomes waajib to respond – positive or negative – it is recommended for a positive response

7. **Extravagance in wedding feasts**

   It is haraam, unless you are sure that the food leftover is not wasted

Second

Marriage and Intimacy

"At the heart of mankind's existence is the desire to be intimate and to be loved by another. Marriage is designed to meet that need for intimacy and love."[9]

In Islam marriage is the way to fulfill this relationship

Islam and Sexuality

1. A conservative look between excessiveness and liberalism

Conservative – middle (Wassath) of two extremes

Excessiveness – al Wuloo

Liberalism - Tafriq

Surah Bakhara – Metaphor expression – the wives are like fertile land and you can do whatever you wish with them. Practice sex in any position that they want (most explicit statement in Qur'an

2. Understanding sex from a western perspective

Other religions may thing that intercourse is not for pleasure – something you have to do

Liberalism – complete opposite

3. Understanding sex from an Islamic perspective

It is natural instinct – part of fithra

In Islam sex is not a sin nor it is an punishment

It is a pleasure of this life

Physical – share it with animals

Illusive – when someone is position/status (like becoming a Ameer, etc)

Spiritual – pleasure of being honest, decent etc

4. Sexuality in religious texts and Fiqh works

When they talk about the Nikah etc they talk about this

5. The sexual drive between man and woman

Man has a stronger desire for sex

Women go through pregnancies

6. Ibnul Qayyim on the virtues of legal intercourse

It has its own benefits

It gives tranquility and peacefulness to the mind

Lust and desire

It is also an act of worship

It bring the lovers together

SAS said, "Nothing is better than Nikah for the people who are in Love"

7. Sexual hygiene in Islam

Regular shower

Circumcision

Shaving the pubic/underarm for both men and women

When men think about sex and intimacy, they discharge so according to SAS you just wash the private parts and make wuduh

Sperm - It is pure

Etiquette of the wedding night

1. **Treatment with kindness**

   To be prepared – the environment like preparing the apartment (not the bed). Like flowers, chocolates, cookies, etc.

   Try to prepare a special gift to be give that night

2. **Reciting the supplication**

   Oh Allah I ask you for the good and goodness and refuge from her evil

3. **Praying two rak'as**

   It is recommended that the husband lead the prayer to set the foundation

4. **Considering general hygiene**

5. **Taking time for satisfying foreplay**

   SAS recommended it

6. **Observing the permissible intercourse**

   In the legal place

7. **Giving equal time to arrive at full satisfaction**

   Give an equal time for equal satisfaction – do not be hasty. Make sure that your spouse is equally satisfied

8. **Keeping the secrets of the sexual life**

   Don't dispose it to any one

   Does not have to take place the first night

Intimacy in the bedroom

1. **The default ruling of sexual acts**

   Anything in the bedroom is acceptable unless there is something that prohibits it

   Treat them kindly

2. **The permissible sexual acts**

   During menstruation

   Do everything lawful, except intercourse

   Majority of scholars say oral sex is OK

Different positions except for anal sex
Mutual masturbation permitted
Does not have to be in the bedroom, just need to be modest
Taking shower with your wife
If pregnant – it is still permissible (make sure it does not cause any harm to her)
Fulfilling fantasies, Lighting candles etc – it is allowed as long you are not doing anything haraam

3. The impermissible sexual acts

Intercourse with women during menstruation
Taping or recording
Watching porn
Adult toys - disputable
Individual masturbation - disputable

Contraception methods and birth control

1. Contraception methods

Al-Azaal – withdrawal method
Any form of family planning is allowed

2. Abortion

To use it as a birth control is haraam
If the soul is blown into the baby, after 4 months, then it is haraam unless harm to mother
It is a crime in Islamic law

3. The Fiqh opinion

Chapter six
'On a footing of kindness' marital rights

"ولهن مثل الذي عليهن بالمعروف وللرجال عليهن درجة"

"And women shall have rights similar to the rights against them, according to what is equitable; but men have a degree (of advantage) over them." Al Baqarah 2:228.

First

The Story of women's rights

The Women's rights case

1. **Definition of women's rights**
2. **Why calling for women's rights**
3. **The evolution of feminism**
4. **Islamic perspective**

    All of the rights and obligations that women in the West fight for, were there hundreds of years ago

Gender equity in Islam

1. **Are men and women equal?**

    Invalid question

    It depends on the area one is discussing

2. **Differences or preferences?**

    Men and women were created different for a unique and different role

    Men will not be able to do a job that is designed for woman and vice versa

3. **The natural differences between man and woman**

    Physiological differences

        Men don't like to talk about their problems

        Women like to talk to discuss it with their husband

        Men don't know how to express their crises – like happiness or sadness. While women are better in using their words

    Emotional differences

    Neurological differences

Hadith Abi Said Al Khudri radiya Allahu anhu

حديث أبي سعيد: "ما رأيت من ناقصات عقل ودين أذهب للب الرجل الحازم منكن. قلن وما نقصان ديننا وعقلنا يا رسول الله؟ قال: أليس شهادة المرأة مثل نصف شهادة الرجل؟ قلن: بلى. قال فذلك نقصان عقلها. أليس إذا حاضت لم تصل و لم تصم؟ قلن: بلى, قال: فذلك من نقصان دينها." البخاري ومسلم

In the translation of the abridged Sahih Bukhari:

"I have not seen anyone more ***deficient in intelligence*** and religion than you. A cautious sensible man could *be led astray* (I say: loose his firmness) by some of you. The women asked: O Messenger of Allah! What is ***deficient in our intelligence*** and religion? He said: Is not the witness of two women equal to the witness of one man? They replied in the affirmative. He said: this is the deficiency in your intelligence. Isn't it true that a woman can neither pray nor fast during her menses? The women replied in the affirmative. He said: this is the deficiency in your religion."

Re-phrasing the translation:

"I have not seen anyone ***(over controlled- over influenced)*** **more** ***diminished (decreased) in perception*** and religion than you. A cautious sensible man *could loose his firmness and determination* by some of you. The women asked: O Messenger of Allah! What is ***diminished (decreased)*** *in our perception* and religion? He said: Is not the witness of two women equal to the witness of one man? They replied in the affirmative. He said: this is the ***diminution (decrease) in perception***. Isn't it true that a woman can neither pray nor fast during her menses? The women replied in the affirmative. He said: this is the diminution in your religion."

Rights and obligations between man and woman

1. **Differences of rights or preferences?**

   It is to have even rights but with different ratios
   In some religions, women don't have the right to be religious

2. **Rights and obligations in Islamic law**

   They are equal in pursuing the Deen and Aaqirah

3. **Equal rights and obligations between man and woman**

   The right of humanity – Yes they are equal
   Education – Yes they are equal
   Financial – Yes they are equal

4. **Different rights and obligations between man and woman**
   - Al Qiwamah (Guardianship) – not just as a right, but as an obligation for a man
   - Al-Miraah – they are financial responsible, that is the reason why men do get more part in the inheritance

Second

The rights of spouses

1. **Mutual rights**
   - Having the right to enjoy one another – intimate relationship
   - Treating each other in good manners
   - Establishing the right of inheritance - if he dies she get part of the estate

1. **The rights of the Husband**
   - Obedience
     - If he ordered you to do something haraam you shouldn't do it
   - Remaining in the house, and leaving with permission
     - If he gives you a general permission, then YES
   - Responding to his call when he calls her to bed
     - Need to be understanding and obey her
   - Protecting his house in his absence – his property etc.
   - Serving the husband – according to the customary condition
   - Protecting his honor, children and wealth – not to allow anybody (male members) without his permission
   - Being thankful to him – usually women do not thank their husbands and this is the reason why SAS said that woman will be in hell because of this
   - Chastisement

2. **The rights of the wife**
   - Treating her in kind and good manner
   - Teaching her the matters of the religion and worship
   - Maintaining her chastity – protecting her
   - Financially maintaining her – perfectly

3. **The rights of the in-laws**
   - Establishing the forbiddance of marriage to relatives
   - The right of hospitality
   - The nature established relationship

Chapter seven

‘The languages of love’ Maintaining Love and marital life

From the life of the Messenger of Allah *Salla Allahu alayhi wa sallam*

“We must be willing to learn our spouse’s primary love language if we are to be effective communicators of love.”[10]

All his wives loved him very much. Ex. Jealousy and usual fights between husband and wife

Love after the wedding

1. **Does marriage kill love?**

   Statistics in west say yes – 48% end up with divorce after marriage. Chances of second marriage ending up in divorce are 62%. Chances of third marriage is up to 75%

2. **Communicating love to your partner**

   Need to know the spouse primary language - appreciation, verbal, physical etc

3. **Rationalizing love in marital life**

   Emotion plays a vital role in this matter

   Love is a statement – it is an action. Show it through the actions, show support, express things, write letters emails etc.

The many different languages of love

1. Words of affirmation
2. Quality time
3. Receiving gifts
4. Acts of service
5. Physical contact

Understanding the differences

1. **Men are from Mars and women are from Venus**
   Men are more into hardware stuff like gadgets, tools, computers etc
   Women are more into social relationships like meeting people and talking
   Fulfill each other value and grow in this manner

2. **Understanding the different values**
   Men don't like to be criticized
   Women like to grow and make everyone grow around them

3. **Crises approach, and coping with stress**
   Men like to withdraw – that's their nature – don't chase him he will come back to you later
   Women like to go outside and speak – just listen to her – sometimes she just wants you to listen to her and not give her solutions. Sometimes she might as for solutions as well

4. **The motivation power**
   Men need to see that she need her help – he feels comfortable with this. Women should submit to this.
   Women usually give because they care and they don't give unless they feel confident (emotionally)

5. **Expressing feelings through different languages**

6. **Our emotional differences**
   Men work like rubber bands and they will eventually come back
   Women are like waves

A Final Advice

How to win the heart of your wife?
How to win the heart of your husband?

Exchange gifts
*Give her quality time – **FULL ATTENTION***
Exchange looks – eye language, give her a smile, Use poetry if you know it
Make leaving and coming special for her
Try to work things together
Going out together

JUST DO YOUR BEST

"Umar Ibn al-Khattab – May Allah be pleased with him - invented eighteen wise maxims for the people, among them is the following: "Put your brother's affairs in the best light that he may not act towards you in a manner obliging you to take a contrary opinion. Think not evil of any word that has proceeded out of the mouth of a Moslem, if you are able to find a good construction for it." Such-may Allah exalt you-is the manner of conduct enjoined by Allah, the Messenger of Allah, and the Ameer of the Faithful. Ibn Hazm